IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 524 OF 1990

Shri C.C. Nagpure, Asstt.
Collector of Customs .. Appellant

versus

Virendrakumar R. Banthia & Anr. .. Respondents

...

None for the appellant.

None for the respondent.

CORAM : V.M. KANADE, J

DATED : 29th October 2004.

ORAL ORDER :-

1. None for the appellant. I have requested Shri Adsule, learned APP appearing on behalf of the State to assist the Court. The Customs authority have filed this appeal challenging the judgement and order dated 23rd June 1989 whereby the accused are acquitted by the trial Court of the offences punishable u/s.85(i)(a) of the Gold Control Act. The respondent

accused was carrying on business as a jeweller and goldsmith and he was holding a gold dealers licence. According to the prosecution, excess gold was found in is shop which was not accounted by the accused in the registrar which is to be maintained by him under the provisions of Gold Control Act. The trial Court after perusing the evidence on record has observed that penal action need not be taken in the present case. As the accused have deposited Rs.50,000/- by way of penalty and Rs.5,000/- by way of personal penalty and excess gold has been confiscated by the Customs Authorities.

2. I do not see any reason to interfere with the said order. The trial Court has given cogent reasons while recording the said finding. In their interest of justice, there is no reason to interfere with the order passed by the trial Court after a lapse of 15 years.

3. Appeal is dismissed.

V.M. KANADE, J